

Notice of Allowability

Application No.

10/538,180

Examiner

R. Alexander Smith

Applicant(s)

CORKER ET AL.

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on July 31, 2007.
2. ☒ The allowed claim(s) is/are 1, 4, 5, 7, 9 and 16-19.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.132. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this Examiner's amendment was given in a telephonic interview with Mr. David P. Utykanski on August 6, 2007.

3. The application has been amended as follows:

In the claims:

Claim 7: "load" in line 5 has been changed to --loud--.

Claim 9: "load" in line 4 has been changed to --loud--.

Claim 16: "8" in line 1 has been changed to --9--.

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance of claims 1, 4, 5, 7, 9 and 16-19.

For independent claim 1 the prior art of record does not disclose or clearly suggest an over-height vehicle barrier, said barrier having a series of over-height vehicle engaging members mounted on a supporting beam mounted above a roadway such that each member hangs beneath the supporting beam, each member being pivotally mounted to the supporting beam at an upper end portion thereof such that each member can pivot about the axis of the supporting beam independently of the other members when struck by an over-height vehicle, and a second beam spaced from the supporting beam to be engaged by said members pivoting about the supporting beam when struck and to thereby cause the members to pivot in a return direction, wherein each of the members is in the form of a blade having opposed sides and a relatively narrow leading face towards the oncoming traffic, the members being mounted with the adjacent sides of adjacent members being in closely spaced relationship whereby the series of vehicle engaging members provides the appearance of a solid beam facing the oncoming traffic in combination with the remaining limitations of the claim.

Claims 4, 5, 7, 9 and 16 recite limitations which, in combination with allowed claim 1, render the dependent claims allowable.

For independent claim 17 the prior art of record does not disclose or clearly suggest an over-height vehicle barrier, said barrier having a supporting beam mounted above a roadway, multiple blade-like members suspended downwardly from the beam with the members being arranged in parallel relationship with a relatively narrow leading face of each member facing

Art Unit: 2859

oncoming traffic such that each member can rotate about the axis of the beam independently of the other members, the blade-like members having opposed sides and being mounted with the adjacent sides of adjacent members in close proximity one to another whereby to provide the appearance of a solid beam facing the oncoming traffic, and means engageable by the rotating members to limit the extent of rotation about the axis of the beam and to thereby cause the members to rotate in a return direction, each said member being composed of a material which is resiliently deformable when struck by an over-height vehicle to absorb energy upon impact in combination with the remaining limitations of the claim.

Claim 18 recites limitations which, in combination with allowed claim 17, render the dependent claims allowable.

For independent claim 19 the prior art of record does not disclose or clearly suggest an over-height vehicle barrier, said barrier having a supporting beam mounted above a roadway, multiple members rotatably mounted to the supporting beam such that the members are suspended downwardly from the beam with the members having substantially flat parallel opposed sides and being arranged in parallel relationship with a relatively narrow leading face of each member facing oncoming traffic such that each member can rotate about the axis of the beam independently of the other members when struck, the members being mounted with the adjacent sides of adjacent members in close proximity one to another whereby to provide the appearance of a solid beam facing the oncoming traffic, and a second beam spaced above the

Art Unit: 2859

supporting beam to be engageable by the rotating members to limit the extent of rotation about the axis of the supporting beam and to thereby cause the members to rotate in return direction, each said member being composed of a material which is resiliently deformable when struck by an over-height vehicle to absorb energy upon impact in combination with the remaining limitations of the claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Alexander Smith whose telephone number is 571-272-2251. The examiner can normally be reached on Monday through Friday from 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F. Gutierrez can be reached on 571-272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2859

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'R. Alexander Smith', with a stylized flourish at the end.

R. Alexander Smith
Primary Examiner
Technology Center 2800

RAS
August 6, 2007